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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,394	08/22/2003	James A. Grady JR.	21956.NP	9736
20551	7590	12/17/2004	EXAMINER	
THORPE NORTH & WESTERN, LLP. 8180 SOUTH 700 EAST, SUITE 200 P.O. BOX 1219 SANDY, UT 84070			SWARTHOUT, BRENT	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,394	GRADY, JAMES A.	

Examiner	Art Unit	
Brent A Swarthout	2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 12062004.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1-7,9 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Chou.

Lin discloses a warning beacon with transparent housing 1 at the front, including front, rear and side portions, mounting board 2, and plural LEDs D1-D27 for providing a warning, the LEDs comprising a triangular shape (Fig. 2), except for specifically stating that the housing is in a triangular shape.

Chou teaches desirability of providing a warning whereby the housing 1 is in the shape of a triangle.

It would have been obvious to provide a triangular shaped housing as suggested by Chou in conjunction with a warning triangle device as disclosed by Lin, in order to more clearly differentiate that the device was a triangle, so as not to confuse onlookers.

Regarding claim 3, Lin teaches use of magnets 42,43.

Regarding claim 4, Lin teaches use of PCB with controls (col. 2, lines 39-51).

Regarding claim 5, Lin teaches use of LED clusters 61-64 (Fig. 4).

Regarding claim 6, Lin teaches orthogonal clusters (Fig. 4), two such clusters forming edges of a right triangle.

Regarding claim 7, Lin teaches flashing LEDs (col. 4, line 15).

Regarding claim 11, Lin teaches use of power supply jack 21.

Regarding claims 12-13, Chou teaches that a portable warning triangle can have batteries mounted in the outside of a housing (Fig. 1, col.1, line 56).

Regarding claim 16, since rear housing 3 of Lin is not transparent, it would have enhanced illumination by not allowing light leakage through the rear of the housing.

2. Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Chou and Vukosic.

Vukosic teaches desirability of allowing directed light from LEDs on a circuit board to be shone in both forward and rearward directions through a warning display assembly (Fig. 2).

It would have been obvious to allow warning lights to be seen in two directions in a device as disclosed by Lin and Chou, in order that observers from two directions could have been warned by one device simultaneously.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Chou and Wu.

Wu teaches desirability of using red light from a warning triangle to warn observers.

It would have been obvious to use red light in a device as disclosed by Lin and Chou in order to allow an observer to note that a signaling device was indicating a hazardous situation.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Chou and Teshima et al.

Teshima teaches desirability of providing reflecting members in a housing to enhance light intensity from LEDs (Fig. 2).

It would have been obvious to use reflective elements in a housing as disclosed by Lin and Chou in order to increase the light intensity of the warning triangle device.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Chou and Straten et al.

Straten teaches desirability of providing a supplemental indication 40 adjacent a warning triangle 100.

It would have been obvious to provide a supplemental indicator adjacent a warning triangle as disclosed by Lin and Chou, in order to allow an observer to determine how far away from a signal light the observer was.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Chou and Hall.

Lin and Chou disclose a warning triangle as set forth above, except for specifically stating that the board holding the LEDs in triangularly shaped.

Hall teaches desirability of making a board holding LEDs in a warning illumination device in a triangular shape (col. 7, line 40).

It would have been obvious to include a triangular board in a device as disclosed by Lin and Chou, in order that the board would fit appropriately in a triangle shaped housing, with less wasted space.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Hall and Brussog.

Lin and Hall disclose a warning beacon with triangular shaped panel supporting LEDs, whereby light is directed through a forward portion of the front face as set forth above, except for specifically stating that the panel is transparent.

Brussog teaches desirability in an illuminated display of providing LEDs 6 on transparent panel 2 (col. 3, line28).

It would have been obvious to use a transparent panel as suggested by Brussog in conjunction with a warning beacon as disclosed by Lin and Hall, in order to more easily allow a display to be viewed in plural directions by allowing light to pass through the panel.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith, Tijanic and Hui disclose lighted display devices.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brent Swarthout
Brent A Swarthout
Examiner
Art Unit 2636

BRENT A. SWARTHOUT
PRIMARY EXAMINER